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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,492	03/14/2001	Shigeho Ogawa	450100-03064	3619

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EXAMINER

SON, LINH L D

ART UNIT PAPER NUMBER

2135

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/808,492

Applicant(s)

OGAWA ET AL.

Examiner

Linh LD Son

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-17.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER


11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed on March 24th, 2005 have been fully considered but they are not persuasive. Chapman et al (US Patent No. 6216228), hereinafter "Chapman", does teach the claimed invention. Applicant argued on page 13 second paragraph that Chapman does not teach "the third fetching means for fetching a permission condition when the identification information extracted by said extraction means and the identification information stored in said storage means coincide with each other". Nevertheless, Chapman does teach the method of controlling display of video or image data that does include the third fetching means. The user inputs or fetches a selection of content from the remote control (First fetching means) (Col 7 lines 30-55). The user also inputs or fetches the classification code from the remote control (Second fetching means) (Col 7 lines 35-45). The content includes a watermark and a key for decoding or extracting the pre-downloaded content in the storage. The watermark includes identification information, such as classification code, ownership ID, and Identified codes (Col 4 lines 10-12 and lines 30-45). The first fetching of identification must be stored in the storage means (Random Access Memory) prior the process of locating the requested content. The processor must locate and extract the requested content in order to compare and to process the request (first comparison) (Col 7 lines 10-15, lines 18-30, and lines 30-55). Further, the second fetching permission condition must also be fetched or processed by the processor with the extracted classification information before displaying the content (Third fetching means and Second comparison means) (Col 7 lines 55-65 and Col 8 lines 10-25) (Emphasis

added). Therefore, it is obvious that Chapman teaches the claimed invention and the rejection basis dated on 01/25/05 is maintained.

2. As per argument on page 15 first and second paragraph, the applicant argued that Wehrenberg et al (US Pub. No. 20030126445A1), hereinafter "Wehrenberg", does not teach "...wherein when the permission condition satisfies a predetermined relationship with the recording medium identification, a valid password, input by a user, is required to initiate playback of the particular recording medium" (in-part of claims 8 and 13). Claims 8 and 13 are rejected with incorporation of claim 1 rejection basis. The permission condition rejected in claim 1 is the classification code input by the user. In claim 8, Examiner cited Wehrenberg to provide evidence as a permission condition to process a recording medium. It is obvious at the time of the invention was made for one having ordinary skill in the art to modify Chapman's invention to implement the password as the permission condition instead of the classification. Claim 8 and 13 are both rejected. The rejection basis dated on 01/25/05 is maintained.



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